



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 30, 2019

BY ECF

Honorable J. Paul Oetken
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

**Re: United States v. David Britt,
18 Cr. 36 (JPO)**

Dear Judge Oetken:

The Government writes with regard to the requests to charge in this case. The Government respectfully requests that the Court use substantially the same charges used in connection with the trial of David Middendorf and Jeffrey Wada, with the addition of a materiality instruction on wire fraud. In advance of the trial of Middendorf and Wada, the Government argued that “willfulness” was not an element of the charged offenses. Although the Government wishes to preserve that argument for the record, it recognizes that the Court has already rejected its position.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

by: _____/s/
Martin Bell/Jordan Estes/Margaret Graham
Assistant United States Attorneys
(212) 637-2463/ 2543/2923

cc: Counsel of Record (by ECF)